IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Crl.Rev.Pet.No. 3423 of 2007()

AGAINST THE ORDER DATED 18/09/2007 IN CRMP.627/07 IN SC.2/2007 of SPL.COURT (NDPS ACT CASES), VADAKARA

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REVN. PETITIONER:

BIJU, S/O.MOHANAN,
AGED 31 YEARS, KARAKKATTIL,
KONNATHADI AMSOM DESOM, MUKKADOM,
KAMBILIKKANDAM (PO), IDUKKI.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

STATE OF KERALA THROUGH THE SUB
INSPECTOR OF POLICE, PERAMBRA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 3423 OF 2007

Dated this the 25th day of September, 2007

O R D E R

The revision petitioner, who is the accused in S.C.No.2/07 on the file of the Special Court(NDPS Act cases), Vadakara, challenges the order dated 18.9.07 passed by the said court dismissing Crl.M.A.No.627/07 filed by the petitioner seeking summons to Inspector, Legal Metrology to appear before the court along with an electronic balance and weigh the seized ganja in question as well as the samples sent for analysis.

2. According to the prosecution, the petitioner was arrested on 2.4.06 with 1.200 kgs of ganja in his possession. According to the revision petitioner, if the exact weight of the ganja allegedly seized from the revision petitioner is less than 1000 gms, then the offence that is made out is only one punishable under section 20(b)(ii)A which prescribes a lesser punishment for “small quantity” as against section 20(b)(ii)B for which the revision petitioner stands charged. It was at the

stage of defence evidence that the revision petitioner filed the above petition seeking a re-weighment of the ganja in question. The court below was not inclined to entertain the said request and I am not inclined to interfere with the order passed by the court below.

This revision is accordingly dismissed without prejudice to the right, if any, of the revision petitioner to canvass the correctness of the said order in appeal in case the trial ends in conviction.

(V. RAMKUMAR, JUDGE)

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